

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**ZMM, by and through Lawanda Woodall,  
Next Friend**

**PLAINTIFF**

**V.**

**NO. 4:19-CV-1-DMB-DAS**

**NANCY A. BERRYHILL,  
Commissioner of Social Security**

**DEFENDANT**

**ORDER**

On May 13, 2019, United States Magistrate David A. Sanders issued a Report and Recommendation recommending that the Commissioner of Social Security's motion to dismiss be granted and ZMM's complaint be dismissed. Doc. #11. No objections to the Report and Recommendation were filed.

Under 28 U.S.C § 636(b)(1)(C), "[a] judge of the court shall make a de novo determination of those portions of the report ... to which objection is made." "[W]here there is no objection, the Court need only determine whether the report and recommendation is clearly erroneous or contrary to law." *United States v. Alaniz*, 278 F. Supp. 3d 944, 948 (S.D. Tex. 2017) (citing *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989)).

Because this Court finds that the Report and Recommendation is neither clearly erroneous<sup>1</sup> nor contrary to law, the Report and Recommendation [11] is **ADOPTED** as the order of this Court;

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<sup>1</sup> The Report and Recommendation contains a typographical error in stating, "The plaintiff has submitted an affidavit claiming that the Appeals Council decision was not mailed October 27, 2019 ...." Doc. #11 at 1 (emphasis added). The plaintiff's response to the motion to dismiss, supported by affidavit, states that "[t]he Appeals Council's notice ... was not postmarked until October 27, 2018." Doc. #9 (emphasis added). This typographical error, however, does not affect or change the Report and Recommendation's ultimate substantive conclusion which this Court adopts. See *Ambros v. Mississippi*, No. 1:15-cv-240, 2016 WL 2869791, at \*1 n. 1 (S.D. Miss. May 17, 2016) (noting a typographical error by the magistrate judge that "has no bearing on the substance of the Report and Recommendation and does not alter the result in this case.").

the Commissioner's motion to dismiss [7] is **GRANTED**; and this case is **DISMISSED**. A final judgment will be separately issued.

**SO ORDERED**, this 16th day of October, 2019.

/s/Debra M. Brown  
**UNITED STATES DISTRICT JUDGE**